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OFFICE OF PETITIONS

In re Application of
ROMASCHIN et al
Application No.: 10/614,678
Filing Date: July 7, 2003
Attorney Docket No.: 1148-1-002 CIPF

:
:
: DECISION ON PETITION
: UNDER 37 CFR 1.55
:

This is a decision on the renewed petition under 37 CFR 1.55(c), filed April 30, 2007, for acceptance of an unintentionally delayed claim under 35 U.S.C. 119(a)-(d) for benefit of the filing date of foreign Application No. CA 2,097,952, filed June 8, 1993.

The petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Therefore, since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6);
- (2) the surcharge as set forth in 37 CFR 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Director may require additional information where there is a question whether the delay was unintentional.)

On April 30, 2007, an executed declaration was received which identifies the foreign application for which priority is claimed by application number, country, and filing date. The required surcharge set forth in 37 CFR 1.17(t) was submitted on November 2, 2006. Lastly, the petition contains an adequate statement of unintentional delay.

A Corrected Filing Receipt which reflects the above-noted foreign priority application accompanies this decision.

This application is being referred to Technology Center AU 1645 for continued examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. 119(a)-(d).

Any questions concerning this matter may be directed to Bryan Lin at (571) 272-3303.



Bryan Lin
Legal Examiner
Office of PCT Legal Administration



Boris Milef
Legal Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
10/614,678	07/07/2003	1645	900	1148-1-002 CIPF	20	3

CONFIRMATION NO. 7389

CORRECTED FILING RECEIPT



OC000000023934573

23565
 KLAUBER & JACKSON
 411 HACKENSACK AVENUE
 HACKENSACK, NJ 07601

Date Mailed: 05/17/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Alexander D. Romaschin, Etobicoke, CANADA;
 Paul M. Walker, Toronto, CANADA;

Power of Attorney: The patent practitioners associated with Customer Number 23565.

Domestic Priority data as claimed by applicant

This application is a CIP of 09/585,582 06/02/2000 ABN
 which is a CIP of 09/353,189 07/14/1999 PAT 6,306,614
 and is a CIP of 09/457,465 12/08/1999 PAT 6,203,997
 which is a CON of 08/991,230 12/16/1997 ABN
 which is a CIP of 08/552,145 11/02/1995 PAT 5,804,370
 which is a CIP of 08/516,204 08/17/1995 ABN
 which is a CIP of 08/257,627 06/08/1994 ABN

Foreign Applications

CANADA 2097952 06/08/1993

If Required, Foreign Filing License Granted: 10/02/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/614,678**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Measurement of analytes

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

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NOT GRANTED

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